

# PATENT COOPERATION TREATY

# PCT



## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 13 DEC 2005

WIPO PCT

Applicant's or agent's file reference 63301A	<b>FOR FURTHER ACTION</b>  See Form PCT/PEA/416	
International application No. PCT/US2004/029442	International filing date (day/month/year) 07.09.2004	Priority date (day/month/year) 09.09.2003
International Patent Classification (IPC) or national classification and IPC B05D7/24, C23C16/505, C23C16/40		
Applicant DOW GLOBAL TECHNOLOGIES INC.		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (Indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>		
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand  08.07.2005	Date of completion of this report  13.12.2005	
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Ekhult, H  Telephone No. +31 70 340- <div style="text-align: right;">  </div>	

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/US2004/029442

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-10 as originally filed

**Claims, Numbers**

1-11 as originally filed

**Drawings, Sheets**

1/4-4/4 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing *(specify)*:
  - ☐ any table(s) related to sequence listing *(specify)*:
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing *(specify)*:
  - ☐ any table(s) related to sequence listing *(specify)*:

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	3,4,8,9,11
	No: Claims	1,2,5-7,10
Inventive step (IS)	Yes: Claims	none
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	none

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**Re Item V.**

**1 Reference is made to the following documents:**

D1 : WO 00/70117 A (THE REGENTS OF THE UNIVERSITY OF CALIFORNIA) 23 November 2000 (2000-11-23)

D2 : EP 0 617 142 A (SHIN-ETSU CHEMICAL CO., LTD) 28 September 1994 (1994-09-28)

**2 INDEPENDENT CLAIM 1**

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (page 15 lines 10 - 13, and page 29 line 10 - page 31 line 9) a method for deposition of a silicate film on a substrate by creating a glow discharge between two electrodes and flowing a helium and oxygen gas mixture containing 2002 ppm by weight tetraethylorthosilicate (TEOS) through the plasma and towards the substrate. The speed of the gas mixture is at least 1 metre per second. The amount of TEOS in the gas mixture was calculated using the density values of 0.1785 g/l and 1.429 g/l for helium and oxygen respectively.

2.2 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D2 discloses (page 3 line 5 - 43) a method for deposition of a silicate film on a substrate by creating a glow discharge between two electrodes and flowing argon containing up to 10000 ppm by volume tetraethylorthosilicate (TEOS) through the plasma and towards the substrate. The speed of the gas mixture is 0.26 m/s based on a gas flow of 300 sccm and the 5 mm diameter of the plasma flame.

**3 DEPENDENT CLAIMS 2-11**

Dependent claims 2-11 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

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(SEPARATE SHEET)**

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